

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power  
cost recovery clause with  
generating performance incentive  
factor.

DOCKET NO. 030001-EI  
ORDER NO. PSC-03-1154-PCO-EI  
ISSUED: October 17, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed October 8, 2003, Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A. Diaz (residential electric customers) request leave to intervene in this proceeding. In support of their Petition, the residential electric customers state that they are individual residential electric customers of Tampa Electric Company (Tampa Electric). The residential electric customers assert that their electricity rates and thus, their economic substantial interests, will be determined by the level of fuel and fuel transportation charges the Commission allows Tampa Electric to charge them through this proceeding.

On October 10, 2003, Tampa Electric filed its answer in opposition to the Petition. According to Tampa Electric, all of its residential customers are already represented in this proceeding by the Office of the Public Counsel (OPC). Tampa Electric asserts that allowing different small groups of individual residential customers to be represented through counsel other than OPC without any demonstration as to why OPC cannot adequately represent their interests would set bad precedent by encouraging a multitude of individual interventions duplicating the role of OPC.

Having reviewed the Petition, it appears that the residential electric customers' substantial interests may be affected by this proceeding. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, the residential electric customers take the case as they find it.

DOCUMENT NUMBER-DATE

10185 OCT 17 3

FPCO-11-11-11-11-11-11

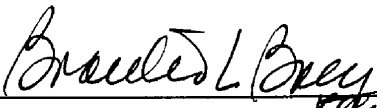
ORDER NO. PSC-03-1154-PCO-EI  
DOCKET NO. 030001-EI  
PAGE 2

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as prehearing officer, that the Petition to Intervene, filed by Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A Diaz, is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to Michael B. Twomey, Post Office Box 5256, Tallahassee, Florida 32314-5256.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 17th day of October, 2003.

  
\_\_\_\_\_  
BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

JAR

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

ORDER NO. PSC-03-1154-PCO-EI  
DOCKET NO. 030001-EI  
PAGE 3

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.